

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TIMOTHY L. DANNER, #04089490,
Plaintiff,

v.

AL RICHARD, et al.,
Defendants.

)
)
)
)
)
)
)

3:05-CV-1817-D

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

Type of Case: This is a civil rights complaint brought by a county inmate pursuant to 42 U.S.C. § 1983. Plaintiff is seeking leave to proceed *in forma pauperis*.

Parties: Plaintiff is currently confined at the Dallas County Jail in Dallas, Texas. Defendants are Al Richard, Executive Director The Way Back House, Inc (WBH); Lora Calzada, WBH Kitchen Manager; Steve Scales, WBH Civil Commitment Case Manager; and Walter Brown, WBH Case Worker. The court has not issued process in this case, pending preliminary screening.

Findings and Conclusions: The Prison Litigation Reform Act (PLRA), enacted into law on April 26, 1996, amended 28 U.S.C. § 1915 as it relates to civil actions that prisoners file in federal court. Among the changes effected by the PLRA was the inclusion of 28 U.S.C. §

1915(g), also known as the “three-strike” provision. Section 1915(g) precludes a prisoner from bringing a civil action *in forma pauperis* if on three or more prior occasions, while confined as a prisoner, he filed civil actions or appeals in federal court which were dismissed, either by a district court or appellate court, as being frivolous, malicious, or for failing to state a claim upon which relief may be granted. In applying the “three-strike” provision of § 1915(g), a court may consider case dispositions that occurred prior to the effective date of the PLRA. Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996).

A review of the U.S. Party/Case Index and the Court Clerk’s records reflects that Plaintiff filed eight civil rights actions in the Dallas and Amarillo Divisions of the Northern District of Texas. See Attachment I. Three of these actions are described *seriatim*:

1. Timothy Lee Danner v. Jim Bowles, et al., 3:93cv0501-D (N.D. Tex., Dallas Div., filed on March 10, 1993). Plaintiff filed this action while confined as a state inmate under #623866, at the Preston E. Smith Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID) in Lamesa, Texas. See Attachment II, Complaint at p. 3, and attached motion for leave to proceed *in forma pauperis* at 7.

On July 20, 1995, the United States Court of Appeals for the Fifth Circuit issued a mandate in No. 94-11105, dismissing Plaintiff’s appeal of his claims against Officer Leonard Bueber and Sheriff Jim Bowles for inadequate medical care as frivolous. See Attachment II, docket entry ## 57 and 58.

Thereafter, on April 19, 1996, the District Court filed a Memorandum Opinion and Order and a Judgment dismissing Plaintiff’s remaining portions of the complaint, those asserted against the Dallas County Jail Administration and John and Jane Doe defendants, with prejudice as frivolous pursuant to former 28 U.S.C. § 1915(d). Plaintiff did not appeal. Attachment II, docket entry # 67.

2. Timothy Lee Danner, #623866 v. Karen Evans, et al., 2:01cv0146 (N.D. Tex., Amarillo Div. filed on March 30, 2001). Plaintiff initially filed this action in the Dallas Division of the Northern District of Texas while incarcerated as a prisoner within TDCJ-CID. See Attachment III, docket entry #2 for Certificate of Trust Account, reflecting Plaintiff’s prisoner number.

Following transfer of this action to the Amarillo Division, the District Court entered its Memorandum Opinion and Order and Judgment, filed on October 26, 2001, dismissing the complaint with prejudice as frivolous pursuant

to 28 U.S.C. 1915. Plaintiff did not appeal. See Attachment III, docket entry ## 10 and 11.

3. Timothy Lee Danner, #623866 v. Christopher Tolbert, et al., 3:01cv0579 (N.D. Tex., Dallas Div. filed on March 26, 2001). Plaintiff filed this action while incarcerated as a prisoner within TDCJ-CID. See Attachment IV, docket entry #2 for Certificate of Trust Account, reflecting Plaintiff's prisoner number.

On September 25, 2001, the Court adopted the findings, conclusions and recommendation of the magistrate judge, filed on August 15, 2001, and entered judgment dismissing the complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff did not appeal. See Attachment IV, docket entry ## 15, 21, and 22.

When a district court dismisses a case as frivolous or for failure to state a claim, such a dismissal counts as a "strike" under § 1915(g) once the judgment becomes final. See Adepegba, 103 F.3d 383, 387-88; 28 U.S.C. § 1915(g) (covering dismissals as "frivolous, malicious, or [for fail[ing] to state a claim upon which relief may be granted"). A district court's dismissal is final when the prisoner has exhausted avenues of appeal or has waived any appellate rights. Id.; Patton v. Jefferson Correctional Ctr., 136 F.3d 458, 462 (5th Cir. 1998).

Applying Adepegba to Plaintiff's prior *in forma pauperis* actions described above, it is clear that he has at least three "strikes" under § 1915(g). Plaintiff accumulated one "strike" for each dismissal in the three actions summarized above. He accumulated an additional "strike" for the dismissal of the frivolous appeal stemming from cause number 3:03cv0501.

Because Plaintiff has accumulated at least three "strikes," § 1915(g) precludes him from proceeding in this action *in forma pauperis* unless he alleges a claim of "imminent danger of serious physical injury." Plaintiff's complaint, which challenges his confinement at WBH from September 1, 2003, until December 9, 2004, and the denial of a medical diet while at WBH, presents no claim that he was in danger of physical injury at the time of filing the complaint. See Carson v. Johnson, 112 F.3d 818, 822-823 (5th Cir. 1997); Adepegba, 103 F.3d at 388. See also

Banos v. O'Guin, 144 F.3d 883 (5th Cir. 1998). Therefore, Plaintiff's complaint does not fall within the exception to the "three-strike rule" set out in § 1915(g) and his request for leave to proceed *in forma pauperis* should be denied. Plaintiff should be given an opportunity to pay the full filing fee of \$250.00 or his action will be dismissed as barred by three strikes. See Adepegba, 103 F.3d at 388.

RECOMMENDATION:

For the foregoing reasons, it is recommended that the District Court enter an order denying Plaintiff's request for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and directing that this action be dismissed pursuant to § 1915(g) unless Plaintiff tenders the \$250.00 filing fee within 10 days of the District Court's order.

A copy of this recommendation will be mailed to Plaintiff.

Signed this 27th day of October, 2005.



WM. F. SANDERSON, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.

ATTACHMENT I

U.S. Party/Case Index

Civil Name Search Results

10 Total Party matches for selection DANNER, TIMOTHY L NOS 500-599 for FIFTH CIRCUIT
Search Complete

Thu Oct 27 10:35:47 CDT 2005

Selections 1 through 10 (Page 1)

Download (1 pages \$ 0.00)

Name	Court	Case No.	Filed	NOS	Closed
1 DANNER, TIMOTHY L Danner v. Richard et al	txndce	3:2005cv01817	09/12/2005	550	
2 DANNER, TIMOTHY LEE Danner v. Bowles, et al	txndce	2:2001cv00066	02/15/2001	550	04/06/2001
3 DANNER, TIMOTHY LEE Danner v. Evans, et al	txndce	2:2001cv00146	03/30/2001	550	10/26/2001
4 DANNER, TIMOTHY LEE Danner v. Thaler, et al	txndce	5:1993cv00236	09/13/1993	550	11/29/1993
5 DANNER, TIMOTHY LEE Danner v. Bowles, et al	txndce	3:1993cv00501	03/10/1993	550	04/19/1996
6 DANNER, TIMOTHY LEE Danner v. Tolbert, et al	txndce	3:2001cv00579	03/26/2001	550	09/25/2001
7 DANNER, TIMOTHY LEE Danner v. Evans, et al	txndce	3:2001cv00623	03/30/2001	550	04/09/2001
8 DANNER, TIMOTHY LEE Danner v. Bowles, et al	txndce	3:2001cv00693	02/15/2001	550	09/11/2003
9 DANNER, TIMOTHY LEE Danner v. Jock, et al	txndce	3:2000cv00899	05/01/2000	550	12/09/2002
10 DANNER, TIMOTHY LEE Danner v. Valdez et al	txndce	3:2005cv01818	09/12/2005	550	

PACER Service Center			
Transaction Receipt			
10/27/2005 10:35:47			
PACER Login:	us3483	Client Code:	
Description:	Civil srch pg 1	Search Criteria:	DANNER, TIMOTHY L NOS 500-599
Billable Pages:	1	Cost:	0.08

ATTACHMENT II

BOYLE, CLOSED, JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:93-cv-00501**

Danner v. Bowles, et al
Assigned to: Judge Sidney A Fitzwater
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/10/1993
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Timothy Lee Danner

represented by **Timothy Lee Danner**
1130 Fuller
Apt 106
Dallas, TX 75218
PRO SE

V.

Defendant

Jim Bowles
Dallas County Sheriff
TERMINATED: 02/11/1994

represented by **Dolena T Westergard**
Dallas County District Attorney's
Office
Frank Crowley Courts Building
133 N Industrial Blvd
Suite C4-2 LB 19
Dallas, TX 75207
214/653-3692
Fax: 214/653-2899 FAX
Email: dwestergard@dallascounty.org
TERMINATED: 02/11/1994
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Does
Dallas County Sheriff's Dept
TERMINATED: 01/09/1996

Defendant

Jane Does
Dallas County Sheriff's Dept
TERMINATED: 01/09/1996

Defendant

Officer Bueberwith

Defendant**Leonard L Bueber**

represented by **Dolena T Westergard**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/10/1993		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (lat) (Entered: 03/15/1993)
03/10/1993	1	ORDER, to proceed in forma pauperis (signed by Magistrate Boyle) Copies to plaintiff: 3/12/93 Page(s) 1 (lat) (Entered: 03/15/1993)
03/10/1993		CASE REFERRED to Magistrate Judge Jane J. Boyle (lat) (Entered: 03/15/1993)
03/10/1993	2	COMPLAINT filed by plaintiff for violation of Civil Rights 42:1983 (copies to plaintiff and magistrate 3/12/93); (7) (lat) Modified on 03/15/1993 (Entered: 03/15/1993)
03/19/1993	3	Magistrate Judge's Interrogatories propounded to Timothy Lee Danner (5) (cert. cpy to Timothy Lee Danner on 3/19/93) (cab) (Entered: 03/22/1993)
04/07/1993	4	ANSWER to Magistrate's Interrogatories filed by Timothy Lee Danner. (5) (cxb) (Entered: 04/09/1993)
04/21/1993	5	ORDER to issue summons to named defendants ... referring case to Judge for further action (signed by JJB). Copies to counsel: 4/30/93. Page (s) 1 (cpm) (Entered: 05/03/1993)
04/21/1993		CASE NO LONGER REFERRED TO Magistrate Judge Jane J. Boyle per 4/21/93 order (cpm) (Entered: 05/03/1993)
04/21/1993		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (cpm) (Entered: 05/03/1993)
05/03/1993	6	SUMMONS(ES) issued for defendants Officer Bueberwith, Jane Does, John Does, and Jim Bowles (through US Marshal). (issued 8) (cpm) (Entered: 05/03/1993)
06/29/1993	7	ANSWER to Complaint by Jim Bowles, Bueberwith (Attorney Dolena Tutt Westergard), (4) (gjs) (Entered: 06/30/1993)
08/02/1993	8	RETURN OF SERVICE executed as to defendant Bueberwith on 7/23/93 by personal service upon Legal Tech John Weddle of Dallas Co Sheriffs Office. Answer due on 8/12/93 for Bueberwith (1) (cpm) Modified on 08/04/1993 (Entered: 08/04/1993)
08/02/1993	9	RETURN OF SERVICE executed as to defendant Jim Bowles on 7/23/93 by personal service upon Legal Tech John Weddle of Dallas Co Sheriffs Office. Answer due on 8/12/93 for Jim Bowles (1) (cpm) (Entered: 08/04/1993)

		08/04/1993)
08/09/1993	10	NOTICE by plaintiff Timothy Lee Danner of receipt of executed Summons by USM with a charge of \$40; due to his IFP status plaintiff is unable to pay this balance (2) (cpm) (Entered: 08/10/1993)
09/13/1993	11	REQUEST for Production of Documents to defts by plaintiff Timothy Lee Danner (2) (cpm) (Entered: 09/15/1993)
10/12/1993	12	MOTION with memorandum in support by defendant Jim Bowles, defendant Leonard L Bueber to dismiss , or alternatively for summary judgment (12) (cpm) (Entered: 10/18/1993)
10/12/1993	13	MOTION with memorandum in support by defendant Jim Bowles, defendant Leonard L Bueber for protective order (6) (cpm) (Entered: 10/18/1993)
10/14/1993	14	ORDER OF REFERENCE: [13-1] motion for protective order referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 10/14/93 Page(s): 1 (cpm) (Entered: 10/18/1993)
10/15/1993	15	ORDER granting [13-1] motion for protective order Dfts Jim Bowles and Leonard Bueber are excused from responding to Plaintiff's First Set of Requests to Produce Documents and any other discovery requested by the Plaintiff until further order of this Court. (signed by JJB) Copies to counsel: 10/15/93 Page(s) (1) (sob) (Entered: 10/19/1993)
10/25/1993	16	MOTION by plaintiff Timothy Lee Danner to compel production of documents (6) (cpm) (Entered: 10/27/1993)
10/25/1993	17	MOTION by plaintiff Timothy Lee Danner to compel discovery (3) (cpm) (Entered: 10/27/1993)
10/25/1993	18	AFFIDAVIT by plaintiff Timothy Lee Danner Re: [16-1] motion to compel production of documents (3) (cpm) (Entered: 10/27/1993)
10/27/1993	19	ORDER OF REFERENCE: [17-1] motion to compel discovery referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 10/28/93 Page(s): 1 (cpm) (Entered: 10/28/1993)
11/09/1993	20	ORDER denying [17-1] motion to compel discovery, denying [16-1] motion to compel production of documents...See Order for specifics (signed by Magistrate Jane Boyle) Copies to counsel: 11/9/93 Page(s) 1 (cpm) (Entered: 11/15/1993)
11/17/1993	21	Letter of receipt re response to motions by plaintiff Timothy Lee Danner (10) (cpm) (Entered: 11/19/1993)
11/19/1993	22	MOTION by plaintiff Timothy Lee Danner to extend time to conduct discovery (2) (cpm) (Entered: 11/24/1993)
11/23/1993	23	ORDER OF REFERENCE: plaintiff's 11/19/93 [22-1] motion to extend time to conduct discovery referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 11/23/93 Page(s): 1 (cpm) (Entered: 11/24/1993)

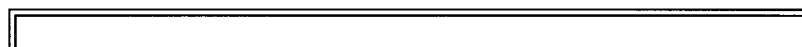
11/23/1993	24	ORDER...Defts shall serve plaintiff another copy of their motion to dismiss or for summary judgment...Plaintiff shall acknowledge receipt of motion by letter...Plaintiff shall have 30 days from his receipt of the motion to file a response...Defts shall have 15 days from the filing of the response to file any reply (signed by SAF) Copies to counsel: 11/23/93 Page(s) 2 (cpm) (Entered: 11/24/1993)
11/29/1993	25	ORDER denying w/o prejudice plaintiff's [22-1] motion to extend time to conduct discovery (signed by Mag Judge Jane J Boyle) Copies to counsel: 11/30/93 Page(s) 1 (cpm) (Entered: 12/03/1993)
12/27/1993	26	RESPONSE by plaintiff Timothy Lee Danner to [12-1] motion to dismiss (15+) (cpm) (Entered: 12/30/1993)
12/27/1993	26	MOTION by plaintiff Timothy Lee Danner to compel defts to answer attached interrogatories , for appointment of counsel (cpm) (Entered: 12/30/1993)
01/14/1994	27	MOTION by plaintiff Timothy Lee Danner for reconsideration of/to appeal magistrate judge's [15-1] order for protective order for defts (10) (cpm) (Entered: 01/26/1994)
01/19/1994	28	ORDER denying [27-1] motion for reconsideration of/to appeal magistrate judge's [15-1] order for protective order for defts...The magistrate judge's order is AFFIRMED (signed by SAF) Copies to counsel: 1/20/94 Page(s) 1 (cpm) (Entered: 01/26/1994)
02/09/1994		Letter from deft Danner complying with the order of the court and serving his response to defts' motion to dismiss to defts (1) (cpm) (Entered: 02/11/1994)
02/11/1994	29	MEMORANDUM OPINION AND ORDER granting Sheriff Bowles' [12-2] motion for summary judgment and claims brought against him in his individual capacity are dismissed. denying Danner's [26-2] motion for appointment of counsel, denying Officer Bueber's [12-1] motion to dismiss ...see order for specifics. (signed by SAF) Copies to counsel: 2/12/94 Page(s): 8 (mjl) (Entered: 02/14/1994)
02/11/1994	30	MOTION by plaintiff Timothy Lee Danner to strike [12-1] motion to dismiss for failure to comply/reply to defts' response as ordered (4) (cpm) (Entered: 02/22/1994)
03/11/1994	31	NOTICE OF APPEAL by Leonard L Bueber, defendant, to U.S. Court of Appeals for the 5th Circuit from order denying his motion to dismiss or, alternatively, for summary judgment filed on 2-11-94 (2) . Fee payment amount: \$105.00 Receipt # 300 60635 Appeal record due on 3/26/94 (bss) (Entered: 03/14/1994)
03/14/1994		Notice of appeal and certified copy of docket to USCA: [31-1] appeal (bss) (Entered: 03/14/1994)
03/15/1994	32	Transcript order form: Transcript not requested [31-1] appeal (bss) (Entered: 03/16/1994)

03/17/1994	33	NOTICE OF APPEAL by Timothy Lee Danner, plaintiff, to U.S. Court of Appeals for the 5th Circuit, from the order entered on 2-11-94 (2) . Appeal record due on 4/1/94 (bss) (Entered: 03/18/1994)
03/18/1994		Notice of appeal and certified copy of docket to USCA: [33-1] appeal (bss) (Entered: 03/18/1994)
03/22/1994	34	ORDER...pla has filed in response to court's 2/11/94 memo opinion and order a document styled "motion for appeal." To the extent the mtn should be considered as a mtn for reconsideration, the mtn is denied. To the extent pla wishes to take an interlocutory appeal prior to entry of final judgment, he must address the requirements of 28 USC Sec 1292(b) in a separate mtn. At this point, such relief is denied. (signed by SAF) Copies to counsel: 3/23/94 Page(s) 1 (cjb) (Entered: 03/24/1994)
03/25/1994		Transmitted record on appeal to U.S. Court of Appeals: [33-1] appeal, [31-1] appeal - Case Papers - 1 Volume. (klm) (Entered: 03/25/1994)
03/28/1994	35	RESPONSE by plaintiff Timothy Lee Danner in opposition to [31-1] deft Beuber's notice of appeal (3) (cpm) (Entered: 03/29/1994)
03/28/1994	36	MOTION/Announcement by plaintiff Timothy Lee Danner for Hearing of evidence , and for appointment of counsel (4) (cpm) (Entered: 03/29/1994)
03/29/1994		USCA Case Number, 94-10253 Re: [33-1] appeal, 94-10253 Re: [31-1] appeal (bss) (Entered: 03/30/1994)
03/30/1994	37	ORDER denying [36-2] motion for appointment of counsel (signed by SAF) Copies to counsel: 3/31/94 Page(s) 1 (cjb) (Entered: 03/30/1994)
10/14/1994	38	ORDER REQUIRING PROPOSAL for Contents of Scheduling Order in Pro Se Action. Proposed scheduling order due 11/28/94 (signed by SAF) Copies to counsel: 10/17/94 Page(s): 2 (cjb) (Entered: 10/17/1994)
11/03/1994	39	JUDGMENT OF USCA (certified copy) Re: [33-1] appeal, [31-1] appeal Issued as mandate on 10/31/94...Danner's appeal is dismissed for lack of jurisdiction; with respect to Bueber's motion for summary judgment or dismissal; the judgment of the district court is reversed; and the cause is remanded to the district court with instructions to dismiss Danner's claims against Bueber. (1) cc to Judge (klm) (Entered: 11/04/1994)
11/03/1994	40	PER CURIAM ORDER of USCA (certified copy) Re: reversed and remanded. (7) cc to Judge (klm) (Entered: 11/04/1994)
11/03/1994		Record on appeal returned from U.S. Court of Appeals: Case Papers - 1 Volume. (klm) (Entered: 11/04/1994)
11/07/1994	41	JUDGMENT...for reasons state in the opinion of the Fifth Circuit filed 10/7/94 which remanded pla's claims against def Leonard L Bueber with instructions to dismiss the claims, it is ordered and adjudged that pla's claims against def are DISMISSED w/prejudice. Purs to Fed R Civ P 54 (b), the court expressly determines that there is not just reasons for delay and directs the clerk of court to enter this as a final judgment (signed by

		SAF) Copies to counsel: 11/8/94 Page(s): 1 (cjb) (Entered: 11/08/1994)
11/09/1994	42	STATUS REPORT by plaintiff Timothy Lee Danner (2) (cjb) (Entered: 11/09/1994)
11/22/1994	43	JUDGMENT for defendant Jim Bowles against plaintiff Timothy Lee Danner. Purs to Fed R Civ P 54(b), the court expressly determines that there is not just reason for delay and directs the clerk of court to enter this as a final judgment (signed by SAF) Copies to counsel: 12/2/94 Page(s): 1 (cjb) (Entered: 12/02/1994)
11/22/1994	45	ORDER...there remain in this action the 2/11/94 interlocutory memorandum opinion and order dismissing Danner's actions against Sheriff Bowles and Danner's claims against the "Dallas County Jail Administration" and various John and Jane Does. The court has today entered a Rule 54(b) judgment dismissing Danner's action against Sheriff Bowles. The court refers to Magistrate Judge Boyle for recommendation the question whether Danner's actions against the Dallas County Jail Administration and the John and Jane Doe defs should be dismissed for want of prosecution, as frivolous, or on another basis (signed by SAF) Copies to counsel: 11/23/94 Page(s) 2 (cjb) (Entered: 12/13/1994)
12/06/1994	44	NOTICE OF APPEAL by Timothy Lee Danner from entry by District Court on 11/7/94. (12) Cpy to Judge and Cnsl of record. IFP (gjs) (Entered: 12/08/1994)
12/08/1994		Notice of appeal and certified copy of docket to USCA: [44-1] appeal (gjs) (Entered: 12/08/1994)
12/19/1994		USCA Case Number, N.O.#94-11105 Re: [44-1] appeal (klm) (Entered: 12/20/1994)
01/17/1995		Transmitted record on appeal to U.S. Court of Appeals: [44-1] appeal consisting of 1 volume of case papers. (bss) (Entered: 01/17/1995)
01/25/1995	46	MOTION by plaintiff Timothy Lee Danner to compel production of documents (4) (cjb) (Entered: 01/25/1995)
01/26/1995	47	ORDER OF REFERENCE: [46-1] motion to compel production of documents referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 1/26/95 Page(s): 1 (cjb) (Entered: 01/26/1995)
03/06/1995	48	ORDER OF USCA (certified copy) Re: [44-1] appeal...Timothy Lee Danner has filed a "Motion for Protective Order" in this court...the motion is DENIED. (2) cy to Judge (bss) (Entered: 03/10/1995)
03/15/1995	49	MOTION by plaintiff Timothy Lee Danner for protective order (3) (cjb) (Entered: 03/16/1995)
03/15/1995	50	MOTION by plaintiff Timothy Lee Danner for open Hearing (2) (cjb) (Entered: 03/16/1995)
03/15/1995	50	DEMAND for jury trial by plaintiff Timothy Lee Danner (cjb) (Entered: 03/16/1995)

03/15/1995	51	CERTIFICATE OF SERVICE Re: [49-1] motion for protective order, [50-1] motion for open Hearing by plaintiff Timothy Lee Danner (cjb) (Entered: 03/16/1995)
03/20/1995	52	ORDER denying [46-1] motion to compel production of documents. See order for specifics (signed by JJB) Copies to counsel: 3/20/95 Page(s) 2 (cjb) (Entered: 03/20/1995)
03/23/1995	53	ORDER OF REFERENCE: [50-1] motion for open Hearing referred to Magistrate Judge Jane J. Boyle, [49-1] motion for protective order referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 3/24/95 Page(s): 1 (cjb) (Entered: 03/27/1995)
03/29/1995	54	ORDER mootng [50-1] motion for open Hearing, denying [49-1] motion for protective order. See order for specifics (signed by JJB) Copies to counsel: 3/30/95 Page(s) 2 (cjb) (Entered: 03/30/1995)
04/11/1995	55	NOTICE OF APPEAL by Timothy Lee Danner, pla, to USCA5. (1) Fee payment amount: no fee paid - proceeding ifp Appeal record due on 4/26/95 cy to JUDGE (bss) (Entered: 04/11/1995)
04/11/1995		Notice of appeal and certified copy of docket to USCA: [55-1] appeal (bss) (Entered: 04/11/1995)
05/04/1995		USCA Case Number, 95-10345 Re: [55-1] appeal (bss) (Entered: 05/04/1995)
05/11/1995	56	Received ltr from USCA5 advising us that the appeal is dismissed as it was erroneously docketed. The notice of appeal is from an order of the Magistrate Judge and does not specify that appeal is taken to the 5th circuit. The notice of appeal should be presented to the District Judge and not the 5th Circuit. (1) cy to Judge (bss) (Entered: 05/18/1995)
05/18/1995		NOTICE OF APPEAL by Timothy Lee Danner . Fee payment amount: Receipt # NOA docketed for purposes up putting up the appeal flag as it was inadvertently removed when appeal No. 10345 was terminated. (bss) (Entered: 05/18/1995)
07/25/1995	57	JUDGMENT OF USCA (certified copy) Re: [0-1] appeal Issued as mandate on 7/20/95...appeal is dismissed as frivolous. (1) (bss) (Entered: 07/27/1995)
07/25/1995	58	PER CURIAM ORDER of USCA (certified copy) Re: [44-1] appeal...APPEAL DISMISSED. (2) see order for specifics. (bss) (Entered: 07/27/1995)
09/26/1995	59	WRIT of Habeas Corpus issued to Warden TDCJ Lamesa Tx to bring Timothy Lee Danner to the Dallas County Jail so that petitioner will be available for a Spears hearing on 11/15/95, 10:00 (cjb) (Entered: 09/28/1995)
10/10/1995	60	MOTION by plaintiff Timothy Lee Danner for immediate order and response and recovery motion with notification (4) (cjb) (Entered: 10/11/1995)

10/10/1995	61	ORDER OF REFERENCE: [60-1] motion for immediate order and response and recovery motion with notification referred to Magistrate Judge Jane J. Boyle (Signed by SAF) Copies to counsel: 10/11/95 Page (s): 1 (cjb) (Entered: 10/11/1995)
11/15/1995	62	Minute order: Spears Hearing Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; recommendation to follow (1) (lmn) Modified on 11/16/1995 (Entered: 11/16/1995)
11/15/1995		Exhibits from evidentiary hearing filed USC (lmn) (Entered: 12/12/1995)
11/28/1995	63	FINDINGS, CONCLUSIONS AND RECOMMENDATIONS...recommended that the remaining portions of the complaint, those asserted against the Dallas Co Jail Adm and John and Jane Doe dfts be dismissed as frivolous; Signed by Judge Boyle. copies to cnsl: 11/28/95 Case no longer referred to Objections to F and R due by 12/11/95 (7) (lmn) (Entered: 11/30/1995)
11/28/1995		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (lmn) (Entered: 11/30/1995)
11/28/1995		File placed in suspense (lmn) (Entered: 11/30/1995)
12/11/1995	64	Notice of appeal/OBJECTION by plaintiff Timothy Lee Danner to [63-1] findings & recommendations (4) (lmn) (Entered: 12/12/1995)
12/12/1995		File taken out of suspense (lmn) (Entered: 12/12/1995)
01/09/1996	65	MEMORANDUM OPINION AND ORDER that the magistrates recommendation is adopted in part, and Danner is granted 90 days from the date of this memopno to determine the identity of a proper dft and file an amended complaint against a proper dft. If he fails to do so, the remaining portion of this action will be dismissed. The court dismisses action against the John and Jane Doe dfts and Dallas County jail medical adm signed by Judge Fitzwater) Copies to counsel: 1/10/96 Page(s): 7 (lmn) (Entered: 01/10/1996)
04/19/1996	66	MEMORANDUM OPINION AND ORDER dismissing case Danner has failed to respond to the court's 1/9/96 opinion. Therefore, he has failed to allege a claim against a proper defendant. Accordingly, this action is now dismissed w/prejudice in a judgment filed today (signed by SAF) Copies to counsel: 4/22/96 Page(s): 3 (cjb) (Entered: 04/22/1996)
04/19/1996		Case closed (cjb) (Entered: 04/22/1996)
04/19/1996	67	JUDGMENT...for the reasons set out in memorandum opinions and orders filed 1/9/96 and today, it is ordered and adjudged that plaintiff's action is dismissed w/prejudice purs to 28 USC Sec 1915(d). Taxable costs of court are assessedd the party incurring same (signed by SAF) Copies to counsel: 4/22/96 Page(s): 1 (cjb) (Entered: 04/22/1996)

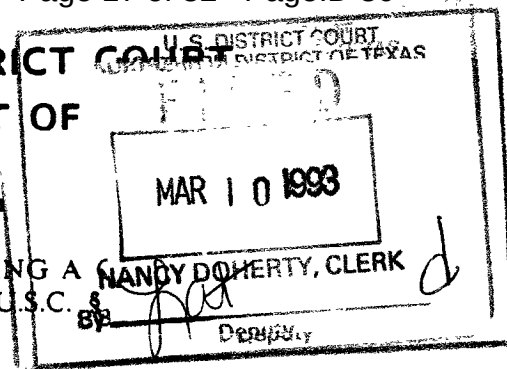


PACER Service Center			
Transaction Receipt			
10/27/2005 10:36:20			
PACER Login:	us3483	Client Code:	
Description:	Docket Report	Search Criteria:	3:93-cv-00501
Billable Pages:	5	Cost:	0.40

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF

Dallas Division

FORM TO BE USED BY A PRISONER IN FILING A
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983



Timothy Lee Danner
Enter above the full name of
the plaintiff in this action.

VS.

Case Number: 03CV0501-D

(To be supplied by the
Clerk of the District Court)

Dallas County Sheriff- Jim Bowles, Dallas County Jail
Medical Administration- John Doe, Dallas County Jail
Nurses- Jane Doe, Dallas County Jail
Enter above the full name of the
defendant or defendants in this action.

INSTRUCTIONS - READ CAREFULLY

- (1) This packet includes four copies of a complaint form. To start an action you must file an original and one copy of your complaint for each defendant you name and one copy for the court. For example, if you name two defendants, you must file the original and three copies of the complaint. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.
- (2) The Clerk will not file your complaint unless it conforms to these instructions and to these forms.
- (3) Your complaint must be legibly handwritten or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use the reverse side of the form or an additional blank page.
- (4) Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, you must file a separate complaint for each claim that you have unless they are all related to the same incident or issue.
- (5) You are required to furnish, so that the United States Marshal can complete service, the correct name and address for of each person you have named as a defendant. A plaintiff is required to give information to the United States Marshal to enable the Marshal to complete service of the complaint upon all persons named as defendants.
- (6) In order for this complaint to be filed, it must be accompanied by the filing fee of \$120.00. In addition, the United States Marshal will require you to pay the cost of serving the complaint on each of the defendants.

- (7) If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the affidavit on the last pages, setting forth information establishing your inability to prepay the fees and costs or give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (8) You will note that you are required to give facts. This complaint should not contain legal arguments or citations.
- (9) When these forms are completed, mail the original and the copies to the Clerk of the United States District Court for the Northern District of Texas at the appropriate divisional office:

Dallas Division
1100 Commerce St.
Room 14A20
Dallas, TX 75242

Lubbock Division
1205 Texas Avenue
Room C221
Lubbock, TX 79401

San Angelo Division
201 Federal Building
33 East Twohig St.
San Angelo, TX 76903

Fort Worth Division
202 U.S. Courthouse
Fort Worth, TX 76102

Amarillo Division
P.O. Box F-13240
Amarillo, TX 79189

Abilene Division
P.O. Box 1218
Abilene, TX 79604

Wichita Falls Division
P.O. Box 1234
Wichita Falls, TX 76307

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

_____ Yes ☒ No

- B. If your answer to A is "yes," describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court: if federal court, name the district; if state court, name the county.

3. Docket number: _____
4. Name of Judge to whom case was assigned:

5. Disposition: (was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit: _____
7. Approximate date of disposition: _____

II. Present Confinement

- A. Place of present confinement: Preston E. Smith Unit, Lamesa, Tx
- B. Is there a prisoner grievance procedure in this institution?
N/A Yes _____ No
- C. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
N/A Yes _____ No
- D. If your answer to C is YES:
 1. What steps did you take? This action isn't on my present location it's against Dallas County Jail - see attachment #1
 2. What was the result? I made several attempts to contact Dallas County Sheriff - See attachment #1
- E. If your answer to C is NO, explain why not: _____

- F. If there is no prison grievance procedure in the institution, did you complain to ~~prison~~ authorities?
Jail
☒ Yes _____ No
- G. If your answer to F is YES:
 1. What steps did you take? Grievance in 1992, kites (messages) to jail nurses at Dallas County Sheriff Department.
 2. What was the result? NONE

00004

III. Parties

In Item A below, place your name on the first blank, and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: Timothy Lee Danner
Address: Preston E. Smith Unit, HCR-02, Box 187-A, Lamesa, Tx. 79331

In Item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Sheriff Jim Bowles, John & Jane Doe's is employed as
Dallas County Sheriff Department at Dallas County
Sheriff Department - Dallas Tx

C. Additional Defendants: Dallas County Sheriff Medical Administration
Facility, County Sheriff Employee Officer Bueber with
employee number 2112

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of any other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need, and attach an extra sheet if necessary

I was arrested on April 27, 92 and transferred to Dallas County Sheriff
Dept on May 5, 92. I was told by the nurses that I had no medical
problems with my back, also at the current time I was a patient
at the Chiropractic Clinic, because I was in an accident on April 10, 92.
All of the medicines were taken away from me and the nurses said
they didn't care how I feel. I did write for all the records on 11-5-92,
12-10-92, 12-29-92- to the judge Jack Hampton, Grievance Office,
Dallas County District Clerk, U.S. Northern District, Inmate
legal Service, also inmate legal Service on 2-4-93. But from
none have I heard anything. I sent a motion of production
of document to all (except 2) on 12-29-93, also to the
medical administration. These 2 are U.S. Northern
District and inmate legal services

00005

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Do not cite cases or statutes.

Need medical and medication for the rest of my life. Ask
for \$2.5 million dollars in which this is for damages, pains,
sufferings, loss of income, punitive damages, anger,
and disability.

Signed this 8th day of February, 19 93.

Timothy Lee Danna

Signature(s) of plaintiff or plaintiffs

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Signed on the 8th day of February, 19 93.

Timothy Lee Danna
Signature of Plaintiff

00006

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Dallas

Division

Timothy Lee Danner

Plaintiff

VS.

DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS

Dallas County Medical Administration John Doe - Sheriff Jim Bowles -

Dallas County Jail nurses Jane Does - Dallas County Jail
Defendant(s)

I, Timothy Lee Danner, declare, depose, and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

I further declare that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes ✓ No

a. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer.

Exxon Company U.S.A. - last pay check April 27, 92 - start pay \$4.36 per hr
End pay \$4.36 per hour - hours varied per month.

b. If the answer is NO, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or form of self-employment?	<u> ✓ </u> Yes	<u> </u> No
b. Rent payments, interest, or dividends?	<u> </u> Yes	<u> ✓ </u> No
c. Pensions, annuities, or life insurance payments?	<u> </u> Yes	<u> ✓ </u> No
d. Gifts or inheritances?	<u> </u> Yes	<u> ✓ </u> No
e. Any other sources?	<u> </u> Yes	<u> ✓ </u> No

If the answer to any of the above is YES, describe each source of money and state the amount received from each during the past twelve months.

to #a - I received last pay check from Exxon Company U.S.A. in
about \$382.00 for 2 weeks of labor

00007

3. Do you own cash, or do you have money in a checking or savings account (including any funds in prison accounts)?

☒ Yes ☐ No

If the answer is YES, state the total value of the items owned:

I have only about \$40.00 in prison trust fund to buy
the necessities which I will acquire.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

☐ Yes ☒ No

If the answer is YES, describe the property and state its approximate value:

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support:

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Signed on the 8th day of February, 19 93.

Timothy Lee Danner
Signature of Plaintiff

I hereby certify that the plaintiff herein has the sum of \$ 14.83
on account to his credit at the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE**
institution where he is confined.

I further certify that plaintiff likewise has the following securities to his
credit according to the records of said _____
institution:

DANNER, TIMOTHY #623866
SMITH UNIT
2-18-93

[Signature]
Authorized Officer of Institution

0001

Attachment #1 of "Form 1983"

This action is against Dallas County Jail - the Sheriff Jim Bowles of Dallas County - Dallas County Jail Medical Administration - John Doe - 2 nurses of Dallas County Jail Jane Does. I have written several times to and also the court appointed attorney David Pickett and since I got no response I filed a motion of production to the people, but it was ~~ignored~~ ignored also.

Timothy Lee Danner
2-8-93

000009

ATTACHMENT III

CASREF, CLOSED

**U.S. District Court
Northern District of Texas (Amarillo)
CIVIL DOCKET FOR CASE #: 2:01-cv-00146**

Danner v. Evans, et al
Assigned to: Judge Mary Lou Robinson
Referred to: Magistrate Judge Clinton E Averitte
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/30/2001
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Timothy Lee Danner**represented by **Timothy Lee Danner**

#623866

TDCJ

Holliday Transfer Facility

295 I 45 North

Huntsville, TX 77340-4968

PRO SE

V.

Defendant**Karen Evans****Defendant****Michael Harrington***Sergeant***Defendant****John & Jane Does***Unknown Nurses*

Date Filed	#	Docket Text
03/30/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jeff Kaplan (yrw) (Entered: 04/02/2001)
03/30/2001		CASE REFERRED to Magistrate Judge Jeff Kaplan (yrw) (Entered: 04/02/2001)
03/30/2001	1	Prisoner Civil Rights COMPLAINT filed; Date Received: 3/30/01 (5) (yrw) (Entered: 04/02/2001)
03/30/2001	2	MOTION by plaintiff Timothy Lee Danner to proceed in forma pauperis (3) (yrw) (Entered: 04/02/2001)

03/30/2001	2	Certificate of Trust Account Filed by plaintiff Timothy Lee Danner TDCJ #: 623866 (not imaged) (yrw) (Entered: 04/03/2001)
04/09/2001	3	ORDER OF TRANSFER to transfer case to Amarillo Division (Signed by Magistrate Judge Jeff Kaplan) Copies to counsel: 4.9.01 Page(s) 2 (mlh) (Entered: 04/09/2001)
04/09/2001		CASE NO LONGER REFERRED TO Magistrate Judge Jeff Kaplan (mlh) (Entered: 04/09/2001)
04/10/2001		Original file, certified copy of transfer order and docket sheet received on Case No.: 3:01-cv-623-M (djs) (Entered: 04/10/2001)
04/10/2001		CASE reassigned to Judge Mary L. Robinson (djs) (Entered: 04/10/2001)
04/10/2001		CASE REFERRED to Magistrate Judge Clinton E. Averitte (djs) (Entered: 04/10/2001)
04/23/2001	4	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: 899 N. Stemmons Frwy, South Wing, Dallas, TX 75207 (cc DY, RJ) (jeh) (Entered: 04/23/2001)
05/09/2001	5	U N F I L E D (unfiled per Order 5/10/01) MOTION by plaintiff for appointment of counsel (2) (jeh) Modified on 05/10/2001 (Entered: 05/09/2001)
05/10/2001	6	ORDER unfiled [5-1] motion for appointment of counsel by plaintiff due to the following deficiency: General Order (Misc case #2:97-MC-003-J). Copies to counsel: 5/10/01 (signed by Judge Clinton E Averitte) Page(s) 1 (jeh) (Entered: 05/10/2001)
06/18/2001		Received NOTICE of ADDRESS CHANGE by plaintiff New address is: #01044186-P-6-14, Dallas County Jail, 500 Commerce Street Dallas, TX 75202 (jeh) (Entered: 06/18/2001)
08/16/2001		Received NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: PO Box 6400, Tennessee Colony, TX 75861 (cc: RJ, DY) (jeh) (Entered: 08/16/2001)
09/10/2001	7	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: 1700 North FM 87, Bonham, TX 75148 (jeh) (Entered: 09/11/2001)
10/01/2001	8	ORDER to show cause Plaintiff shall have until 10/15/01 within which to respond and show cause why the instant lawsuit should not be dismissed for his failure to exhaust administrative remedies before filing suit in federal court (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 10/2/01 Page(s) 2 (djs) (Entered: 10/02/2001)
10/01/2001	9	FILING FEE ORDER Partial Filing Fee of \$3.12 is assessed , and for Collection and Payment of Full Filing Fee: Plaintiff shall pay the balance of full filing fee in monthly installments as mandated by the PLRA. granting [2-1] motion to proceed in forma pauperis (by Magistrate Judge Clinton E. Averitte) Copies to counsel: 10/2/01 Page(s) 3 (djs) (Entered: 10/02/2001)

		10/02/2001)
10/26/2001	10	MEMORANDUM OPINION AND ORDER OF DISMISSAL - ORDER DISMISSING Case filed by plaintiff Timothy Lee Danner With a Strike - Case dismissed as frivolous and with prejudice for purposes of proceeding in an in forma pauperis proceeding pursuant to Title 28 USC, Section 1915(b). (Signed by Judge Mary Lou Robinson) Copies to Counsel: 10/26/01 Page(s) 3 CASE NO LONGER REFERRED to (jeh) (Entered: 10/26/2001)
10/26/2001	11	JUDGMENT - Civil Rights Complaint filed by pltf is in all things Denied and is hereby Dismissed as Frivolous with Prejudice for purposes of proceeding in an in forma pauperis proceeding pursuant to Title 28 USC, Section 1915(b). (Signed by Judge Mary L. Robinson) Copies to counsel: 10/26/01 Page(s): 1 (jeh) (Entered: 10/26/2001)

PACER Service Center			
Transaction Receipt			
10/27/2005 10:36:07			
PACER Login:	us3483	Client Code:	
Description:	Docket Report	Search Criteria:	2:01-cv-00146
Billable Pages:	2	Cost:	0.16

ATTACHMENT IV

CLOSED, KAPLAN

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:01-cv-00579**

Danner v. Tolbert, et al
Assigned to: Judge Joe Kendall
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/26/2001
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Timothy Lee Danner**

represented by **Timothy Lee Danner**
#623866
TDCJ
Holliday Transfer Facility
295 I 45 North
Huntsville, TX 77340-4968
PRO SE

V.

Defendant**Christopher Tolbert**
*Parole Officer***Defendant****Dalton Dominique**
*Supervisor***Defendant****Leonard Dixon**
*Hearing Officer***Defendant****Mattie Marshall**
*Representative/Officer***Defendant****D Currey**
Field Officer

Date Filed	#	Docket Text
03/26/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jeff Kaplan (mlh) (Entered: 03/27/2001)

03/26/2001		CASE REFERRED to Magistrate Judge Jeff Kaplan (mlh) (Entered: 03/27/2001)
03/26/2001	1	Prisoner Civil Rights COMPLAINT filed; Date Received: 3.26.01 (5) (mlh) (Entered: 03/27/2001)
03/26/2001	2	MOTION by plaintiff Timothy Lee Danner to proceed in forma pauperis (3) (mlh) (Entered: 03/27/2001)
03/26/2001	2	Certificate of Trust Account Filed by plaintiff Timothy Lee Danner TDCJ #: 00623866 (Not imaged.) (mlh) (Entered: 03/27/2001)
04/10/2001	3	Filing Fee ORDER granting [2-1] motion to proceed in forma pauperis...Pla shall pay \$150.00 filing fee in monthly installments...see order for specifics. Signed by Magistrate Judge Jeff Kaplan) Copies to counsel: 4/10/01 Page(s) 1 (jyg) (Entered: 04/11/2001)
04/10/2001	4	MAGISTRATE JUDGE'S INTERROGATORIES propounded as to plaintiff Timothy Lee Danner (3) cpy to pla and mag (jyg) (Entered: 04/11/2001)
05/02/2001	5	FINDINGS, CONCLUSIONS AND RECOMMENDATIONS...pla's complaint should be dismissed w/o prejudice pursuant to Rule 41(b) of the FRCP. Signed by Magistrate Judge Jeff Kaplan . copies to cnsl: 5/4/01 Case no longer referred to Magistrate Judge Jeff Kaplan (2) (jyg) (Entered: 05/04/2001)
05/02/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jeff Kaplan (jyg) (Entered: 05/04/2001)
05/02/2001	6	Instructions for Service and NOTICE of Right to Object (2) (jyg) (Entered: 05/04/2001)
05/08/2001	7	CERTIFIED MAIL executed as to Timothy Lee Danner 5/7/01 [5-1] findings & recommendations (1) (jyg) (Entered: 05/08/2001)
05/09/2001	8	MOTION of Acceptance by plaintiff Timothy Lee Danner to continue case (6) (jyg) (Entered: 05/09/2001)
05/11/2001	9	OBJECTION by plaintiff Timothy Lee Danner to [5-1] findings & recommendations (7) (jyg) (Entered: 05/14/2001)
05/29/2001	10	ORDER...after a review of the Magistrate Judge's Findings, this Court is the opinion that the case should be continued and the Magistrate Judge is requested to send another copy of the filing fee order and questionnaire to pla at his new address: 899 N. Stemmons Freeway (South Wing) Dallas, Texas 75207 (Signed by Judge Joe Kendall) Copies to counsel: 5/30/01 Page(s) 1 (jyg) (Entered: 05/30/2001)
06/15/2001	11	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: #01044186-P-6-14, 500 Commerce Street, Dallas, Texas 75202 (1) (jyg) (Entered: 06/15/2001)
06/15/2001	12	ANSWER to Interrogatories filed by plaintiff Timothy Lee Danner (3) (jyg) (Entered: 06/15/2001)

06/19/2001	<u>13</u>	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: #01044186, 6-P-14, 500 Commerce Street, Dallas, Texas 75202 (1) (jyg) (Entered: 06/20/2001)
08/07/2001	<u>14</u>	ORDER REFERRING CASE to Magistrate Judge Jeff Kaplan for hearing, if necessary, and determination. (Signed by Judge Joe Kendall) Copies to counsel: 8/8/01 Page(s): 1 (djd) (Entered: 08/08/2001)
08/15/2001	<u>15</u>	FINDINGS, CONCLUSIONS AND RECOMMENDATIONS...pla's complaint should be summarily dismissed as frivolous. Signed by Magistrate Judge Jeff Kaplan . copies to cnsl: 8/16/01 Case no longer referred to Magistrate Judge Jeff Kaplan (3) (jyg) (Entered: 08/16/2001)
08/15/2001	<u>16</u>	Instructions for Service and NOTICE of Right to Object (2) (jyg) (Entered: 08/16/2001)
08/15/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jeff Kaplan (jyg) (Entered: 08/16/2001)
08/15/2001	<u>17</u>	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: P.O. Box 6400, Tennessee Colony, Texas 75861. (1) ctmag (jyg) (Entered: 08/16/2001)
08/19/2001	<u>18</u>	CERTIFIED MAIL executed as to Timothy Lee Danner 8/17/01 [15-1] findings & recommendations (1) (jyg) (Entered: 08/20/2001)
09/07/2001	<u>19</u>	OBJECTION by plaintiff Timothy Lee Danner to [15-1] findings & recommendations (2) (jyg) (Entered: 09/07/2001)
09/10/2001	<u>20</u>	NOTICE of ADDRESS CHANGE by plaintiff Timothy Lee Danner New address is: 1700 North FM 87, Bonham, TX 75148. (1) (jyg) (Entered: 09/12/2001)
09/25/2001	<u>21</u>	ORDER ADOPTING [15-1] findings & recommendations of the U.S. Magistrate Judge (Signed by Judge Joe Kendall) Copies to counsel: 9/25/01 Page(s): 1 (djd) (Entered: 09/25/2001)
09/25/2001	<u>22</u>	JUDGMENT...Plaintiff's complaint is summarily dismissed as frivolous pursuant to 28 U.S.C. section 1915(e)(2). (Signed by Judge Joe Kendall) Copies to counsel: 9/25/01 Page(s): 1 (djd) (Entered: 09/25/2001)
09/25/2001		Case closed (djd) (Entered: 09/25/2001)

PACER Service Center			
Transaction Receipt			
10/27/2005 10:36:34			
PACER Login:	us3483	Client Code:	
Description:	Docket Report	Search Criteria:	3:01-cv-00579
Billable Pages:	2	Cost:	0.16